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License Renewals Now On-Line

Now...for the first time, you may renew your real estate sales agent or associate broker licenses on-line! Since the first of this year, you may now utilize this fast and easy method while enjoying the convenience of renewing your license from your home or office 24 hours a day, 7 days a week. On-line license renewal is currently allowed for sales agents and associate brokers, and for mortgage lenders. Real estate principal brokers need to submit additional paperwork to the Division that currently prevents the use of this on-line license renewal option.

The traditional methods of license renewal (mail or walk-in to the Division office) are still available. Approximately six weeks before the expiration of your license you will be mailed a license renewal notice. Included in the renewal notice will be detailed instructions to renew your license (on-line, mail-in, or walk-in). The renewal notice will include your "Internet Renewal ID Number" - a unique number that you must use to renew on-line.

When renewing your license on-line, you will be able to change your mailing address (your "address of public record"). The on-line application will ask you to check a box that indicates that you have completed the required continuing education requirements (12 hours of approved education including the 3 hour Utah Division of Real Estate "Core" course, with no more than six hours being passive education). If you renew online, you will not be required to submit your CE certificates at the time of renewal; rather, you are subject to audit of your pledged CE credits. The Division will send audit letters out at random. Those selected will be required to submit their actual original certificates (if you renew your license on-line, you are required to keep your original CE certificates for three years). Significant fines and other disciplinary action, including publication in the sanctions section of the newsletter, will result from falsifying a CE verification on an on-line application.

On-line renewal applications may be charged to a Visa or MasterCard. At the end of a successful license renewal application you will be able to immediately print out confirmation of your renewal. This temporary certificate is valid as your license until you receive your actual renewed license in the mail (within approximately one month after your on-line renewal).

"The process is easy and convenient - and you will have an immediate 'temporary' license to print out"

We encourage you to take advantage of this new renewal process! Early reports indicate that this new renewal method is becoming very popular, however, preliminary results indicate that over 20% of random audits have resulted in inaccurate CE reporting! Avoid the

embarrassment and expense that can result from an audit uncovering dishonesty or erroneous information.

We believe that this new procedure will enhance our service capability to the real estate industry. The process is easy and convenient - and you will have an immediate "temporary" license to print out, verifying that your license has been successfully renewed. You can continue in your duties to your clients with peace of mind, knowing that you have taken care of your license renewal in a timely manner.

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Conclusions of a Former Commissioner



by Danny M. Holt,
former Chairman of the
Utah Real Estate Commission

Over four years ago, in June 2000, I attended my first real estate commission meeting along with Tom Morgan, as newly appointed commissioners for the state of Utah. As you know, the

state has a Commission of five members appointed by the Governor. The purpose of the Real Estate Commission is to provide consumer protection to the general public through the regulation of real estate licences. These responsibilities are carried out through a variety of efforts including examination of potential licensees, investigation of consumer complaints, licensing and continuing education requirements.

My four-year term on the Commission recently concluded. This has brought me to a great deal of reflection concerning the more than 50 commission meetings that I attended. Along with other business, each of these meetings involved between two and six “license hearings” for individual agents. Many of these agents were there as a result of unresolved complaints from their past clients. (Others were there for violations of the law outside of the practice of real estate). Many of these licensees received disciplinary action which altered or completely changed their lives because it changed their license status.

From these sometimes unpleasant experiences, I have drawn several conclusions. I would like to share a few of these with you.

1. It would be beneficial for every licensee to be required to attend a State license hearing for a fellow agent. Obviously, this is not possible and is not appropriate. But the concept is an interesting idea. What better way would one see the negative impact of poor decisions or practices of a licensee? Take my word for it; this would be a deterrent for any agent toying with the temptation to be lax or do wrong.

2. Most serious problems for agents come as a result of two or more poor decisions. One mistake on the part of the agent can have a serious impact. However, it is usually what an agent does, or does not do, to correct it that makes the difference. If a problem surfaces, it is incumbent upon the agent to do all that is appropriate to address the problem. A common oversight is when an agent sees a dispute coming and fails to involve the principal broker early in the process. Or, many times a complaining client simply needs to be “heard.” (The solution may be simple.) However, when the agent turns a “deaf-ear” to such a client, he then makes his second mistake. And, since there may not be anywhere else to go, the client contacts an attorney or the Division of Real Estate with a formal complaint against the agent.

3. As a general rule, we do a good job of “self policing” our industry. What does this mean? It means that we are “aware” of the conduct of ourselves and the associates around us. This positive peer pressure is healthy; to keep us in-step with aspects of the law. Likewise, together we do a better job with agent ethics. If you see an agent overstepping the bounds of the law or developing a pattern of misguided ethics, it may be appropriate to ask your broker to visit with their broker concerning it. Or, in simple matters, it may be in just putting your arm around the other agent in a spirit of cooperation and expressing your concern.

4. Education is the proactive approach to gaining higher credibility with the public. With the quality pre-licensing schools we have in Utah, it is not that difficult to obtain a real estate license. After obtaining their passing score on the exam, many agents discontinue their education! The license certificate is only the beginning. It gives you the luxury of making money while you continue your education. Our knowledge is one of the most critical ingredients of our value. (And will be more so in the future) Thus, I am in favor of the recent emphasis to increase required C.E. hours. I hope you too will continue to voice your desire for us to “raise the bar” in Continuing Education.

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Core Course Confusion

Real Estate Division Core Course ≠ NAR Code of Ethics Course

The Division has recently experienced a resurgence of confusion from agents and brokers regarding the Core Course - the mandatory course for all real estate licensees. In order to clarify the issue and prevent further confusion, we would like to revisit this important subject.

The Core Course is produced by the Division of Real Estate in conjunction with the Utah Real Estate Commission. The Commission determines the subject matter of the course depending on the information they would like the industry to receive. The Division then works with an instructor or instructors who are knowledgeable in the topic chosen to create the curriculum. The Core Course is then filmed in front of a live audience of licensed real estate agents and brokers. After editing,

the course is distributed on video to all of the real estate schools and boards of REALTORS® throughout the state. To be consistent, the name of the Core Course is always "Core Course," usually with the years of certification as part of the title. The current Core Course is formally called "**2003-2005 Core Course**" and is in effect until June 30, 2005.

Often licensees will confuse the Division Core Course with the Association of REALTORS® "Code of Ethics" course. The "Code of Ethics" is a required course for membership in the Association of REALTORS®, but membership in the Association of REALTORS® is not a requirement to hold a real estate license. The 2003-2005 Core Course happens to be on ethics, but is not synonymous with the "Code of

Ethics" course.

Taking the "Code of Ethics" will not satisfy the Core Course requirement with the State for your license renewal. It may count towards the 9 "elective" hours of continuing education, but your license renewal application will be returned unprocessed if you do not have a certificate bearing the name "**Core Course**" **sponsored by the Division of Real Estate.**

The *only* exception to the Core Course requirement is for principal or branch brokers, who are allowed by law to take the Division-produced Trust Account Seminar once every 3rd license renewal (once every 6 years) instead of the Core Course. The Trust Account Seminar is also available on video through the same outlets as the Core Course.

Commissioner Conclusions

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5. The Division of Real Estate is not the *enemy*, but rather, our "ally." The Division of Real Estate is the governmental agency responsible for the administration of real estate license laws. The purpose is to provide consumer protection in the real estate market place. As a past member of the real estate commission, I have had the privilege of working with the Office of Investigations, the Offices of Education and Licensing, and the Attorney General's Office. We are fortunate to have such qualified individuals involved at the state level. It was my observation that it was not just a *job* to them. Rather, it is that they care about the success of what we as agents do with our buyers and sellers!

I would like to express my appreciation to all of those that I have worked with over the past four years. My involvement has broadened my view and improved my perspective!

I wish you all a successful real estate year in 2005!



Please save yourself the inconvenience of having to take the Core Course at the last minute in order to renew your license. Understand now that the REALTORS® Code of Ethics course is not the Core Course. Plan ahead to view the Core Course when you're not under pressure to get it in at the last moment. We have had very positive feedback on our current Core Course. It is valuable information that will help you succeed as a licensee. We believe you will enjoy the course if you are informed ahead of time and understand the requirements.

Use Of Change Cards

The Division has long required the use of a “change card” for real estate licensees to accurately track status changes. Any modification in Division records about a licensee’s status requires the use of these change forms. The information provided here is to serve as a reminder to the industry and to provide some instruction on the correct use of change cards.

Change cards are now available on the Division website, or from the Division in hard copy (with limited

supplies). The original form includes four copies. The copies are to be distributed as follows: White: Division; Canary: Licensee; Pink: New Broker; Goldenrod: Terminating Broker. These copies are to be kept in each four parties records. If you use the PDF fillable form from the website, please type the information in, print the form, sign, and make copies to distribute. The form with the original signatures **must** be sent to the Division. We encourage you to use the PDF fillable version from our website. From our homepage

(www.commerce.utah.gov/dre) select Services, then Application Forms. However, you may call our office or stop by to receive a limited supply of change cards.

The change card must be signed and dated on both the “Change FROM” and the “Change TO” sides of the form. **The effective date for Division records is the date the correctly completed change card is received by the Division, not necessarily the signature dates on the change card**. Unsigned or

Appropriate boxes must be checked on both “Change From” and “Change To” sides of form

Delivery or mailing address

State of Utah
DEPARTMENT OF COMMERCE
DIVISION OF REAL ESTATE
160 East 300 South
Box 146711
Salt Lake City, Utah 84114-6711

**DIVISION OF REAL ESTATE
CHANGE CARD**

Print a copy of this form for each of the following entities:

- ☒ Division of Real Estate
- ☒ Licensee
- ☒ New Broker
- ☒ Terminating Broker

Distribution of change cards

CHANGE FROM:

Current status as it presently exists

Name of Licensee _____

Social Security Number _____

Home Address _____

City _____ State _____ Zip _____

Phone (H) _____ Phone (W) _____

Name of Company _____

Principal/Branch Broker _____ S. S. Number _____

Signature of Principal/Branch Broker _____ Date _____

Signature of Licensee _____ Date _____

CHANGE TO:

Name of Licensee _____

Social Security Number _____

Home Address _____

City _____ State _____ Zip _____

Phone (H) _____ Phone (W) _____

Name of Company _____

Principal/Branch Broker _____ S. S. Number _____

Signature of Principal/Branch Broker _____ Date _____

Signature of Licensee _____ Date _____

Original signatures required

If unknown, license numbers can be found on Division website

Desired change to new status

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Use Of Change Cards

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incomplete change cards will not be processed, but will be returned to the applicant. Please be sure to use the “new” license numbers (as posted on the online licensee database) for your individual license as well as the broker’s company number. Using the new license number will speed up the processing of your change card.

The instructions for proper use of the form are contained on the back side of the form, and are included below:

The change card is to be used for four specific purposes:

1. Individual licensee change of address (no broker signature is required)
2. Transferring from one brokerage to another
3. Inactivating license
4. Activating from inactive status

*Four intended uses
of change card form*

INSTRUCTIONS

If you are using this CHANGE CARD for address change only, broker signature is not required.

Transferring From One Principal Broker To Another:

- a. Both the “old” Principal Broker from whom you are transferring and you (the Salesagent/Associate Broker) must sign and date the left side of the CHANGE CARD. From that date forward, you are no longer eligible to conduct real estate transactions until you have affiliated with another Principal Broker.
- b. The “old” Principal Broker from whom you are transferring retains a copy of this card for his/her records
- c. The “old” Principal Broker must also give you your wall license.
- d. Both the “new” Principal Broker to whom you are transferring and you (the Salesagent/Associate Broker) must sign and date the right side of the CHANGE CARD.
- e. The “new” Principal Broker retains a copy of the CHANGE CARD for his/her records.
- f. The “new” Principal Broker takes possession of and retains your wall license.
- g. Mail or deliver the primary copy of the CHANGE CARD to the Division of Real Estate within **five working days**. Retain a copy for your records. **It is mandatory that the Division receive the original signed copy – no faxes or photocopies.**
- h. The official date of the change is the date the completed change card (plus fees and other requirements, if any) is received at the Division.

Terminating But Not Affiliating With Another Broker (terminating/inactivating):

Complete a., b., and c. In addition:

- i. Sign and date the right side of the CHANGE CARD and check the “inactive” box.
- j. Mail or deliver the original copy of the CHANGE CARD to the Division of Real Estate within five working days. Your license will then be maintained on our files as ‘inactive’ until you again affiliate with a Principal Broker. Retain a copy for your records.
- k. Be sure to keep your wall license in a safe place until you ‘activate’ or until you renew, because you will need to give it to your principal/branch broker.

Activating from Inactive Status:

Complete d., e., g., and h. In addition:

- l. Submit appropriate fee (and required education, if any).
- m. Take your wall license to your new Principal/Branch Broker.

***IF THE PRINCIPAL BROKER, ASSOCIATE BROKER, OR SALESAGENT IS NOT AVAILABLE TO PROPERLY EXECUTE THIS CHANGE CARD THE CHANGE MAY STILL BE MADE PROVIDED A CERTIFIED LETTER ADVISING OF THE CHANGE IS MAILED TO THE LAST KNOWN ADDRESS OF THE UNAVAILABLE LICENSEE. A COPY OF THE LETTER MUST BE ATTACHED TO THE CHANGE CARD ALONG WITH A COPY OF THE STAMPED CERTIFIED POSTAL RECEIPT WHEN IT IS SUBMITTED TO THE DIVISION OF REAL ESTATE.**

Information describing how either a broker or agent may properly execute a change card when a licensee is “unavailable” for signature.

Short Sales

by Jon R. Brown
Director of Enforcement

The many recent complaints to the Division of Real Estate about short sales show a need for agents to make disclosures to the seller in short sales. In some complaints the agent is also the buyer in such transactions. Agents must comply with 61-2-11(11) which states that it is grounds for disciplinary action for “failing to disclose, in writing, in the purchase, sale or rental of property, whether the purchase, sale, or rental is made for himself or for an undisclosed principal.” In other instances where the agent is not a principal in the transaction, the agent must comply with applicable agency laws: 1) A written agency contract; 2) proper disclosures and consent forms showing all parties in the transaction, and whom the agent is representing, and including un-represented parties in the transaction (see Rule 2.6); and, 3) Comply with 61-2-11(16) of the Code, which prohibits “breaching a fiduciary duty owed by a licensee to his principal in a real estate transaction.” This can be a real problem for the sales agent in the negotiation of a short sale because Rule 6.2.5.1 requires (a) loyalty, which obligates the agent to act in the best interest of his client instead of all other interests including the agent’s own, and, (d) confidentiality, which prohibits the agent from disclosing any information given to the agent by the seller unless the agent has permission from the seller to do so.

In other complaints, the agent fails to advise the seller of the effect or full consequences to the seller if they do a short sale. If the lender discounts their payoff balance on certain types of mortgages that are covered by mortgage insurance, the lender may file a claim on the mortgage insurance for the discounted write-off, which would not allow the seller to qualify for some government-insured new loans for several months. In some complaints, the seller was not advised by the agent that the IRS treats the forgiveness of debt as income, which may require the seller to pay income taxes of several thousand dollars. In another complaint, the lender agreed to release the property as security at a discounted price, but went after the buyer to settle the balance that was owing.

In summary, short sales have complicated consequences and need to be explained in every detail with all of the “ifs” and “maybes” fully disclosed before the sale. The best way I can think of to describe a short sale is that it is like throwing a rock at a moving target, while standing on a moving platform—not impossible, but very difficult.

Completing Forms



The Division often receives complaints that mortgage lenders, in an attempt to serve their customers, will “fill out” the real estate purchase contract, or addenda for their borrowers. Despite the fact that mortgage lenders may be familiar with these documents, unless an individual is a licensed practicing attorney or real estate agent, they may not complete REPCs or addenda for their clients. Completing contracts for others requires specific training and skills, such as law school or real estate school. Both attorneys and real estate agents are specifically allowed by law and trained to complete these documents. Mortgage lenders are not.

The Division encourages licensed mortgage lenders to recommend that their clients seek professional assistance from an attorney or real estate agent in completing the REPC. This also includes borrowers who are not dealing with a real estate agent. Mortgage licensees should inform borrowers that they may complete the forms themselves, or seek assistance from an attorney or real estate agent. Mortgage lenders are also cautioned that they should not be “interpreting” or otherwise explaining the terms of the REPC to sellers or borrowers for the same reasons. Mortgage lenders potentially subject themselves and their companies to legal liability when they perform services beyond their expertise or legal authority.

Mortgage Licensing Exam Requirement

Because real estate sales agents interact with mortgage lenders every day, they should know that only about half of all licensed mortgage loan officers are currently **Active** and able to practice!

The legislature required all mortgage lenders to pass a qualifying test by December 31, 2004. Existing mortgage licensees who failed or did not take the test were automatically placed on Inactive status. Before the deadline, some 11,000 mortgage licensees were Active and about 1,000 were Inactive. Just after the test deadline, those numbers changed to approximately 7,000 Active and 5,000 Inactive.

An easy way to find out if a mortgage lender is Active is to check the Division's website at www.commerce.utah.gov/dre. Click on "Licensing," then "Licensee Database," then "Licensed Mortgage Lenders" to find the name and status of the lender.

Agent, Mortgage Broker Charged in Scam

(Allentown, PA) - The Justice Department has filed mortgage fraud charges against a real estate agent and mortgage broker for forging documents that helped marginally qualified home buyers purchase homes they couldn't afford, many of which have ended in default.



The government charged Real Estate Center agent Patrick Balf and mortgage officer Donald Stone with wire fraud and conspiracy.

Prosecutors say Balf and Stone worked together on hundreds of transactions between 1998 and 2003. The two would help people with damaged credit falsify mortgage documents so that they could buy homes in excess of what they could afford. Many of the homes are now in default.

Reprinted from *Real Estate Intelligence Report* 10/18/2004.

Deadlines



Licensees should know that the Division has no discretion to extend deadlines beyond what the law allows. If you don't send your renewal papers in on time, there is a 30 day late period, in which you can re-license by submitting your renewal application with a late fee in addition to the renewal fee. If you go beyond 30 days past your license expiration date, you may reinstate your license for up to 6 months after your license expiration date by submitting your renewal application with the renewal fee, the late fee, a reinstatement fee, and taking an extra 12 hours of

Continuing Education or passing the Utah law portion of the exam. The administrative rules require the Division to send out your renewal forms. But it is your responsibility, not the Division's, to ensure that you turn in your completed forms, on time, with 12 hours CE (if renewing on active status) and the proper fees. Remember: Inactive licensees must also renew their licenses every two years. Incomplete applications will not be accepted and will be returned to you. Timely renewal fees are \$64 for sales agents, and \$70 for brokers. If the Division has not received a complete renewal application by your license expiration date, your license will expire.



Utah Real Estate News

Purpose: To provide licensees with the information and education they need to be successful in competently serving the public

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<http://www.commerce.utah.gov/dre>

Open Houses

by Jon R. Brown
Director of Enforcement

The Division of Real Estate is finding that agents are allowing mortgage brokers and/or title agents to sit at open houses for them. This is a violation of Utah law. Administrative Rule 6.2.14(b) states that while employing unlicensed individuals to provide services at an open house, the licensed agent must be present and the unlicensed person may not give out information concerning the property or financing, and may not become involved in negotiating, offering, selling or filling in contracts.

The practice of unlicensed persons sitting at an open house is also a breach of fiduciary duty. Utah Code 61-2-11 lists 19 ways to lose a real estate license. Specifically, 61-2-11(16) prohibits breaching a fiduciary duty owed by a licensee to his principal.

Even if the mortgage broker or title agent also held a real estate license, the client would have had to give written sub-agency agreements to allow another agent to represent them, or designate agency agreement if the other agent was licensed with the same brokerage.

Clients can be sued for what their agents may say. Clients have a right to expect that if they list with a brokerage firm and designate a certain person in that firm as their agent, they will be represented by them and not others. The brokerage must accept the fiduciary duty created by the listing contract.

Clients have a right to expect what they contract for, which is, representation by the brokerage and agents they hire!

Our entire industry is built around service. We need to make sure we deliver what we offer.

As general information, Utah Code 61-2-11 lists 19 potential violations: "The commission, with the concurrence of the director, may impose a civil penalty in an amount not to exceed \$500 per violation, impose educational requirements, and suspend, revoke, place on probation, or deny renewal, reinstatement, or reissuance of any license or any certification if at any time the licensee or certificate holder, whether acting as an agent or on his own account, is found guilty of:

- (1) making any substantial misrepresentation;
- (2) making any false promises of a character likely to influence, persuade, or induce;
- (3) pursuing a continued and flagrant course of misrepresentation, or of making false promises through agents, sales agents, advertising, or otherwise;
- (4) acting for more than one party in a transaction without the informed consent of all parties;
- (5) acting as an associate broker or

sales agent while not licensed with a licensed principal broker, representing or attempting to represent a broker other than the principal broker with whom he is affiliated, or representing as sales agent or having a contractual relationship similar to that of sales agent with other than a licensed principal broker;

(6) failing, within a reasonable time, to account for or to remit any monies coming into his possession that belong to others, or commingling those funds with his own, or diverting those funds from the purpose for which they were received;

(7) paying or offering to pay valuable consideration, as defined by the commission, to any person not licensed under this chapter, except that valuable consideration may be shared with a licensed principal broker of another jurisdiction or as provided under the Professional Corporation Act or the Limited Liability Company Act;

(8) being unworthy or incompetent to act as a principal broker, associate broker, or sales agent in such manner as to safeguard the interests of the public;

(9) failing to voluntarily furnish copies of all documents to all parties executing the documents;



Open Houses

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(10) failing to keep and make available for inspection by the division a record of each transaction, including the names of buyers and sellers or lessees and lessors, the identification of the property, the sale or rental price, any monies received in trust, any agreements or instructions from buyers and sellers or lessees and lessors, and any other information required by rule;

(11) failing to disclose, in writing, in the purchase, sale, or rental of property, whether the purchase, sale, or rental is made for himself or for an undisclosed principal;

(12) regardless of whether the crime was related to real estate, being convicted of a criminal offense involving moral turpitude within five years of the most recent application, including a conviction based upon a plea of nolo contendere, or a plea held in abeyance to a criminal offense involving moral turpitude;

(13) advertising the availability of real estate or the services of a licensee in a false, misleading, or deceptive manner;

(14) in the case of a principal broker or a licensee who is a branch manager, failing to exercise reasonable supervision over the activities of his licensees and any unlicensed staff;

(15) violating or disregarding this chapter, an order of the commission, or the rules adopted by the commission and the division;

(16) breaching a fiduciary duty owed by a licensee to his principal in a real estate transaction;

(17) any other conduct which constitutes dishonest dealing;

(18) unprofessional conduct as defined by statute or rule; or

(19) suspension, revocation, surrender, or cancellation of a real estate license issued by another jurisdiction, or of another professional license issued by this or another jurisdiction, based on misconduct in a professional capacity that relates to character, honesty, integrity, or truthfulness.”

Web Page Helps Appraisers Thwart Transaction Pressures

(WASHINGTON)—The Appraisal Institute’s governmental affairs office has taken the unusual step of posting an information page on its Web site specifically designed to help members file complaints against lenders, mortgage brokers, and/or real estate agents who put pressure on them to appraise homes to specific values.

An Institute spokesman said the Web page is a partial response to media stories nationwide concerning mortgage fraud and the role appraisers have played in the conspiracies to loot values out of houses.

The Appraiser Independence Action Center is to help appraisers complain to authorities about those who pressure them to rubber-stamp prices.

Reprinted with permission from 02-21-05 *Real Estate Intelligence Report*.

Licensee Statistics

as of 3/24/05

Real Estate:

Brokers 3,359 Active
409 Inactive

Sales Agents 10,522 Active
4,261 Inactive

Appraisers:

Trainees 173

Licensed 126

Certified Residential 621

Certified General 338

Mortgage Lenders:

Active 7,022

Inactive 5,388

Selecting a Lender for Your Client

by Jon R. Brown
Director of Enforcement

Utah Code 61-2-11 lists 19 ways a real estate licensee could lose their license (see related article on page 8). One of those 19 ways is to breach a fiduciary duty. When you become an agent *for* a client, you have agency *to* the client.

Agency creates a fiduciary duty. To discharge that duty there are certain acts an agent must perform. We refer to those acts as “due diligence” – things that are expected of an agent to guide a client through a transaction in which the client has little or no expertise. One of these acts would be to help a client select a lender. It would be unwise for an agent to refer his client to a lender without first checking the Division of Real Estate website to see if the lending company and the loan officer are licensed and active with the Division. This is not to say that the client can’t choose their own lender. They may have one already in the application process before they become your client. However, you may still want to check with the Division website and advise your client, in writing, of the licensing status of their selection. If your client still wants to use their selection regardless of your advice, you have done your due diligence and have not violated your fiduciary duty to your client.

Welcome New Commissioners!

The Division of Real Estate welcomes the two newest members of the Utah Real Estate Commission. Appointed to the Commission were Bonnie Peretti and H. Blaine Walker. They have been serving on the Commission since September, 2004.

Bonnie Peretti is from Great Falls, Montana and has been a Park City resident since 1973. She has dedicated herself to real estate for over 30 years. She is a recipient of many awards including Director’s Award and REALTOR® of the Year, presented by the Park City board of REALTORS® and the President’s Award, presented by the Utah Association of REALTORS®. She holds the CRS and GRI designations.

Bonnie enjoys what Utah has to offer, and when not selling real estate she spends her quality time enjoying boating, skiing, diving, Moab, Chicago, and her Harley!

She has a passion to participate in the world of real estate for the growth of the industry and for the public good. She lives each day with the motto: “It’s your attitude, not your aptitude, that determines your altitude in life!”

H. Blaine Walker has been a real estate licensee for 32 years and has served over 25 years as an instructor of real estate classes. He holds the CRB and GRI designations, was a consistent member of the Million Dollar Club of the Salt Lake Board of REALTORS® until its termination, and has been a member of the Salt Lake Board of REALTORS® Honor Society since its inception. He has been recognized as REALTOR® of the Year by the Utah County Board of REALTORS® and the Salt Lake Board of REALTORS®. He has also been honored by the Utah Association of REALTORS® as REALTOR® of the Year and as REALTOR® Active in Politics, and received the UAR President’s Award.

Blaine’s greatest honors are his wife, Hilea Patterson Walker, their seven children, and thirteen grandchildren.

In Memoriam

The Division of Real Estate expresses condolences to the families of the following real estate licensees who passed away recently: Arva Dover, Dorothy Vance, Edward Vetter, Marsha Pickren, Keith Gruenberg, Gordon Leonard, Patrick Pape, Di Anne Shepherd, Marsha Martin, J. Thomas Williams, Mary Lux, Philip Krogue, Robert Moore, Patrick Bailey, David Johnson, Joel Gines, Gene Kirk, Frederick Moore, David Spackman, Donald Kling, Calvin Dean Lowe, Lester Stilson, Clark Chytraus, H. Ruth Robards, James Lombard, Bob Cushing, Floyd Huber, Steve Evans

A Guide for Distance Learners



by Robert A. Meyer, Ph.D.

Quite often, The Association of Real Estate License Law Officials (ARELLO) is asked what advice can we offer to distance learner students. In response to those questions we offer these tips you may want to include with your distance education materials.

Ten Rules for Distance learners...

1. Read the course introduction materials thoroughly. Distance education courses are often unique in their delivery formats. The introductory material will explain how the course operates and how to proceed through the course in the most efficient manner. Do not skip this material. Understand the course requirements.
2. Read the learning objectives for each unit. These help outline the material that is presented in each unit and present the “roadmap” for your study.
3. Taking notes while you go through the course can help you retain important points and serve as a review for courses that require a final exam. Summarize the main points you have learned and make notes on those items you missed or had difficulty mastering. It is often helpful to go back over the unit and formulate questions based on items you have identified as important.
4. Asking yourself questions during distance education studies helps your study to be active learning. Turning the unit objectives into questions before you start the unit often helps stimulate active learning.
5. Set time aside on a planned basis for your study. Distance education in many ways requires more personal discipline than classroom study. Make sure you have certain “times for class” each week. Ensure that your study time is in a quiet environment where you will not be disturbed. It is easy to procrastinate in distance education.
6. Reward yourself with short breaks. In general, after you have studied for an hour it is wise to take a break. Suggestions range from taking a coffee or tea break to some physical activity to keep you alert and stimulated.
7. When you encounter technical difficulties with course operation, make sure you use the specific telephone number for technical assistance. Contacting your instructor will often result in delays in resolving technical problems. Remember, in most distance education courses there is a separate contact for technical help.
8. When you do not understand the material, contact the instructor. When the contact is made via email, you should expect a reply within a reasonable time frame. In rare cases where an instructor does not reply, you should contact the provider and explain you have contacted the instructor and have not received a reply.
9. Know how long you have to complete the course. The time will be stated in the course introduction.
10. Do your own work.

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*Note: The Division has currently approved 39 educational courses that each as LIVE C.E. education.
See our website at www.commerce.utah.gov/dre/distance_education.html.*



Real Estate Disciplinary Sanctions

BEECH, JAMES J., Principal Broker, formerly principal broker of Direct Realty Advisors, Sandy. A settlement has been reached in Mr. Beech's judicial appeal of a Department of Commerce Order on Review. That Order on Review had upheld an April 18, 2002 order of the Division of Real Estate denying Mr. Beech's application for renewal of his principal broker license. Pursuant to the settlement, Mr. Beech, who has been unlicensed since the April 18, 2002 Order, has applied for and has been issued a new Utah principal broker license effective September 30, 2004.

BEINS, STUART D., Sales Agent, Tremonton. Sales Agent license renewed on May 27, 2004 on probation until next renewal because of factors including entering into a diversion agreement to a criminal charge. During probation, broker acknowledgment of probation is required for affiliation with any broker.

BLAKE, CHRISTOPHER, Sales Agent, Taylorsville. Application for sales agent license approved on December 22, 2004 on probationary status until first renewal because of factors including past criminal history. During probation, broker acknowledgement of probation is required for affiliation with any broker.

BOYLE, KENNETH, Principal Broker, formerly an Associate Broker with C-21 At the Rockies, American Fork. Agreed to pay a \$1,500 fine and complete the Division of Real Estate Trust Account Seminar and an ethics class. The Division alleged that Mr. Boyle: 1) acted as an agent for buyers before he had obtained informed, written consent from the sellers that he could act in that capacity; 2) breached his fiduciary duty to his sellers by structuring a transaction in which the buyers rented the sellers' home although the sellers' loan required owner occupancy; and 3) violated Utah Code Ann. §61-2-11(8) by structuring a transaction in which he and his wife offered a gift of \$400 per month to the sellers to make the transaction work, and then, after the failure of the transaction, they asserted a claim for reimbursement of the gifted funds against money on deposit in the brokerage trust that belonged to the sellers. Mr. Boyle neither admitted nor denied the violations but agreed to the sanctions in settlement of the complaint. #RE20-01-24.

BOYLE, REBECCA, Sales Agent, formerly a sales agent with C-21 At the Rockies, American Fork. Agreed to pay a \$1,500 fine and complete the Division of Real Estate Trust Account Seminar and an ethics class. The Division alleged that Ms. Boyle: 1) acted as an agent for buyers before she had obtained informed, written consent from the sellers that she could act in that capacity; 2) breached her fiduciary duty to her sellers by structuring a transaction in which the buyers rented the sellers' home although the sellers' loan required owner occupancy; and 3) violated Utah Code Ann. §61-2-11(8) by structuring a transaction in which she and her husband offered a gift of \$400 per month to the sellers to make the transaction work, and then, after the failure of the transaction, they asserted a claim for reimbursement of the gifted funds against money on deposit in the brokerage trust that belonged to the sellers. Ms. Boyle neither admitted nor denied the violations but agreed to the sanctions in settlement of the complaint. #RE20-01-25.

BULLOCK, TODD, Sales Agent, Salt Lake City. Application for sales agent license approved on November 8, 2004 on probation until first renewal because of factors including past criminal history and the facts underlying the convictions. During probation, broker acknowledgement of probation is required for affiliation with any broker.

BUTLER, THOMAS B., Principal Broker, Butler Real Estate Co., Salt Lake City. Agreed to pay a \$500 fine because of violation of Utah Code Section 61-2-11(15) by failing to use State-approved forms for a transaction. A buyer agreed to purchase a one-half interest in a condo owned by Mr. Butler. No REPC was signed, no settlement was conducted, and no deed was signed conveying a one-half interest to the buyer. In exchange for \$20,000 and an agreement to assume half of the expenses on the property, the buyer received a "Purchase Receipt." A dispute later developed over the purchase and the buyer complained to the Division. Mr. Butler thereafter refunded the \$20,000, less an amount deducted for half the expenses of the condo. Mr. Butler maintained that in mitigation he had wanted to rent the condo to the buyer, not sell it, but that although she was anxious to find housing, she did not want to rent and could not qualify to buy, so he decided to sell her half of the equity in the condo and allow her to reside there. #RE17629.

CLEMENTS, JOHN W., JR., Sales Agent, Salt Lake City. Application for a sales agent license issued June 10, 2003 on probation until first renewal because of factors including a criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

CLIFFORD, KENNETH L., Associate Broker, and **CLIFFORD, COLLEENE.**, Sales Agent, both formerly with Impression Group Real Estate, Inc., Salt Lake City. Mr. and Mrs. Clifford both agreed to a 2-year suspension of their licenses beginning September 1, 2004 because of violation of Administrative Rule R162-6.1.1, which prohibits participating in a transaction in which any document, agreement, closing statement or any other device or scheme is used that does not reflect the true terms of the transaction. Mr. and Mrs. Clifford acted as licensees in real estate transactions in which Carolyn Ethridge, as attorney in fact for Debra Rasmussen or as a corporate officer of various entities, purchased several homes in the same neighborhood that had been part of the 1999 Salt Lake Parade of Homes. In one transaction involving a home the Cliffords had listed for approximately \$500,000, the Real Estate Purchase Contract they presented to their seller reflected a \$750,000 sales price. The terms of the offer were a \$1.00 earnest money deposit, a \$525,000 sub-prime loan, and \$225,000 in seller financing. The seller financing was not actually to be paid to the seller but was a device used by the buyer to obtain financing. When the transaction closed, the seller received \$500,000 in gross proceeds but later received a Form 1099-S from the title company that showed his gross proceeds as \$750,000. In a second transaction, the Cliffords presented a similar \$750,000 offer from the same buyer on a home listed for \$579,000. The seller's agent objected to the offer and withdrew from the transaction, and the seller rejected the offer. In a third transaction, the Cliffords presented a similar \$750,000 offer from the same buyer on a home that had never been listed above \$450,000. The seller's agent advised the seller to reject the offer and the seller did reject the offer. The buyer later purchased that property directly from the seller without assistance from the Cliffords. The Cliffords assisted the same buyer in a fourth and a fifth transaction in which the buyer offered a \$1.00 earnest money deposit and the balance of \$448,999.00 and \$439,929.34 respectively were to be brought to closing. The payments on the loans on all of the homes purchased by this buyer went into default shortly after closing and the homes were foreclosed and later sold at substantially less than their original prices. The Cliffords maintained that in mitigation, among other things, the majority of their home sales prior to 1999 had been homes under \$200,000, they had attended classes in which they had been encouraged to use "creative financing", they had no knowledge that Carolyn Ethridge intended to borrow more on any of the properties than the amount necessary to purchase the properties, and they relied on other professionals in one of the transactions, including the seller's attorney, the

appraiser who appraised the property, and the mortgage broker. #RE20-01-01, RE01-11-20.

COCHRANE, RANDY, Sales Agent, Sandy. Sales Agent license renewed on October 10, 2003 until next renewal because of factors including a plea in abeyance to a criminal charge that occurred while his sales agent's license was on probation.

CROCKER, BILLIE, Principal Broker, Murray. Application for renewal of broker's license approved on November 8, 2004 on the condition that the license shall not be activated for the term of the renewed license.

DALTON, MARK R., Sales Agent, Midvale. Application for a sales agent license renewed on June 24, 2004 on probation until first renewal because of factors including a criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

DAVIES, JAMAN W., Inactive Sales Agent, Centerville. Surrendered his sales agent license effective December 15, 2004 in lieu of continuing to respond to the Division's investigation. While working as a licensed mortgage loan officer, Mr. Davies created the paperwork for, and caused to be funded three loans that were falsified in that the loans were obtained in other peoples' names. He thereafter attempted to cause an additional falsified loan to be funded to pay off one or more of the original three loans. #RE21299.

DeLAY, BABS, Continuing Education Instructor, Salt Lake City. Application for a new instructor certification issued March 9, 2004 on probation because she failed to track continuing education certification expiration dates when previously certified, minimized the gravity of her actions, and appeared to disregard rules regarding continuing education certification.

DINKELMAN, ROBERT J., Sales Agent, West Jordan. Application for renewal approved on November 8, 2004 on probation until next renewal because of factors including a plea in abeyance to a criminal charge and the facts underlying the criminal matter. During probation, broker acknowledgment of probation is required for affiliation with any broker.

ENCE, CODY, Sales Agent, St. George. Application for a sales agent license issued May 17, 2004 on probation until first renewal because of factors including a criminal conviction. During probation, broker acknowledgment of probation is required for affiliation with any broker.

EVES, JOYLENE K. ("JOY"), and EVES, PAUL G., Unlicensed, Utah County. The Division previously reported in the March 2004 issue of the Utah Real Estate News that a Cease and Desist Order had been issued in Case RE03-07-23 and that Joylene and Paul Eves had requested a hearing to contest the Cease and Desist Order. The case has now been settled by a Consent Order in which the Eves agreed that the Cease and Desist Order would be made permanent as to them and withdrew their request for a hearing to contest the Cease and Desist Order. The Consent Order details what property management activity Joylene Eves may and may not do so long as she does not have a Utah real estate license. #RE03-07-23.

GLASMANN, JASON J., Sales Agent, Ogden. Application for a sales Agent license issued October 7, 2003 on probation until first renewal because of factors including a criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

HOLT, LEE R., Broker, Roy. Broker license renewed on June 23, 2004 until next renewal because of factors including a criminal conviction.

IMHOFF, ROBERT N., Sales Agent, Salt Lake City. Application for renewal approved on November 8, 2004 on probation until next renewal because

of factors including a censure and bar from membership in the New York Stock Exchange and the facts underlying the action. During probation, broker acknowledgement of probation is required for affiliation with any broker.

JACKSON, BILLY J., Sales Agent, Salt Lake City. Application for Sales Agent license issued January 9, 2004 on probation until first renewal because of factors including a criminal history. Broker acknowledgment of probation is required for affiliation with any broker.

JACKSON, JUDY G., Inactive Sales Agent, Orem, formerly with Allpro Realty Group, Inc. Agreed to pay a \$200 fine and complete a real estate ethics course because of unprofessional conduct in a transaction. While acting as buyers' agent, Ms. Jackson took the key from a keybox and gave it to her buyers so that they could make a copy to access the home to show it to a party who had agreed to co-sign with them on a loan to purchase the home. The sellers discovered the prospective buyers in the home and found that the prospective buyers had done substantial work on the home. No REPC had been signed, and the sellers and the prospective buyers never came to agreement on terms for a purchase of the property. Ms. Jackson maintains that in mitigation: 1) she only gave the key to the prospective buyers because she had critical family matters to attend to and had not been able to contact the listing agent for help in showing the property; and 2) the home was not damaged as the sellers claimed, but was actually improved by the prospective buyers' efforts. #RE19178.

JARVIS, MICHAEL W., Sales Agent, Salt Lake City. Application for Sales Agent license issued December 1, 2003 on probation until first renewal because of factors including a criminal history, and failure to report a conviction to the Division when previously licensed. During probation, broker acknowledgment of probation is required for affiliation with any broker.

JEPSON, JAMES, Sales Agent, Salt Lake City. Application for sales agent license approved on November 8, 2004 on probation until first renewal because of factors including past criminal history and the facts underlying the conviction. During probation, broker acknowledgment of probation is required for affiliation with any broker.

KAPANICAS, JAMES M., Timeshare Salesperson, Westgate Park City Resort and Spa, Park City. Agreed to pay a \$1,500 fine in settlement of a matter involving his timeshare sales person registration. After his registration expired, Mr. Kapanicas continued to act as a timeshare salesperson and made sales of timeshare interests to the public.

KIFER, MERVIN "ANDY", Broker, Salt Lake City. Broker license renewed on July 7, 2004 on probation because of factors including a criminal conviction. During probation, broker acknowledgment of probation is required for affiliation with any broker.

KOENIG, KARL F., Sales Agent, Bountiful. License revoked effective January 19, 2005, with the revocation stayed and his license suspended from February 1, 2005 to July 31, 2005, followed by a one year probationary period. During the suspension, Mr. Koenig will be required to complete an ethics course. During the probationary period, he will be required to: a) pay a \$1,000 fine to the Division as a penalty for failure to notify the Division of criminal history; and b) provide a copy of the Stipulation and Order in Case RE98-12-11 to any broker with whom he licenses. Mr. Koenig entered a plea in abeyance to a criminal charge and did not report the plea on his application for renewal. He was convicted of charges in two additional criminal cases and did not report the convictions to the

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Division. In January, 2002, Mr. Koenig was convicted of another criminal charge. In a stipulation signed with the Division, Mr. Koenig admitted that his conduct violated the statutes governing real estate licensees. #RE98-12-11.

LEATHERS, MIKE D., Sales Agent, West Jordan. Application for Sales Agent license issued November 21, 2003 on probation until the first renewal because of factors including a criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

LISH, TODD, Principal Broker, Lish Realty, LC, Tremonton. Agreed to pay a \$1,000 fine and complete a continuing education course in agency for breaching a fiduciary duty owed by a licensee to his principal in a real estate transaction. Mr. Lish represented both buyer and seller in a transaction in which the buyer complained after closing that he had not received the seller disclosures required by the Real Estate Purchase Contract until after he had already closed, and that he therefore did not know about easements affecting the property that ultimately interfered with his plans for the property. Mr. Lish maintains that he did provide a seller Property Condition Disclosure form to the buyer, but admits that he neglected to have the buyer sign for a copy of the form and that he therefore cannot prove that he gave a copy of the disclosure form to the buyer. #RE20-05-29.

LLOYD, JOANN., Sales Agent, formerly with Coldwell Banker Residential Brokerage, Main Office, Midvale. Agreed to pay a \$500 fine and complete an ethics course. Ms. Lloyd sold a home that she owned and in which she lived, and did not take reasonable efforts to verify the accuracy and content of the listing. #RE03-06-11.

LOWE, LANCE, Sales Agent, Henefer. Application for sales agent license approved on December 22, 2004 on probationary status until first renewal because of the revocation of his peace officer certification and the circumstances underlying that revocation. His sales agent license shall be restricted to property management activities only until his first renewal. During probation, broker acknowledgment of probation is required for affiliation with any broker.

MASSIE, WILLIAM, Sales Agent, Ogden. Application for sales agent license approved on December 22, 2004 on probationary status until first renewal because of factors including past criminal history and the facts underlying the criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

McCULLOCH, DAVID, Sales Agent, Ogden. Application for a sales agent license issued June 24, 2004, but immediately suspended because of factors including a criminal conviction. The suspension was to be in place until all fines were paid and he was released from probation in the criminal case. After the suspension, his license will be on probation until first renewal. Broker acknowledgment of probation is required for affiliation with any broker.

MCDONALD, GORDON K., Principal Broker, McDonald Group GMAC Real Estate, Midvale. Agreed to pay a \$1,000 fine effective September 15, 2004 because of violating Rule 4.2.7.4.1 on disbursement of earnest money when there is written authorization to do so in the REPC, Rule 4.2.8.3 requiring the maintenance of individuals ledgers, and Rule 4.2.8.4 requiring trust account reconciliation. After a transaction that began in September 2003 failed because the seller would not sign an extension giving the buyers additional time to close, Mr. McDonald did not release the buyers'

earnest money to the seller because the buyers would not sign a release form, and communicated to the agent that the seller had the option to take the buyers to small claims court to obtain the earnest money deposit. #RE17879.

MORGAN, KENT, Sales Agent, Salt Lake City. Application for Sales Agent license issued December 12, 2003 on probation until first renewal because of factors including a criminal history. During probation, he must complete payment of his criminal fines and provide broker acknowledgment of probation for affiliation with any broker.

MUNSON, GARY, Sales Agent, Salt Lake City. Application for renewal of sales agent license denied on December 22, 2004 because of factors including the revocation of his Utah Securities Broker-Dealer Agent license and the denial of his application for a securities license based on incompetence, dishonesty, and lack of integrity.

MUSCOLINO, LORI K., Sales Agent, St. George. Application for a sales agent license issued May 11, 2004 on probation until first renewal because of factors including a criminal history, but the license was suspended until she attended the Division of Real Estate Trust Account Seminar. Following the suspension, her license will be on probation until first renewal. During probation, broker acknowledgment of probation is required for affiliation with any broker.

OLCH, JONATHAN, Principal Broker, Bald Eagle Realty, Inc., Park City. Agreed to pay a \$2,000 fine for inadequately disclosing in writing information regarding whether a purchase of a property that was listed with his brokerage was made for himself or for an undisclosed principal. #RE97-11-05.

POULTON, BOYDR., Principal Broker, NAI Utah Real Estate, Provo. Agreed to pay a \$2,000 fine, have his license on probationary status for six months from June 16, 2004, and complete an ethics course because of: a) representing a brokerage other than the one with which he was licensed; and b) receiving commission directly from a principal broker other than the principal broker with whom he was licensed. In 1996, Mr. Poulton, who was a licensed Idaho broker and who had in the past been licensed in Utah, obtained a new Utah sales agent license. In early 1997, he acted as a buyers' agent for Idaho buyers of a Utah business park. Mr. Poulton's Utah broker maintains that Mr. Poulton did not inform him of the pending transaction. When the commission was paid on the transaction, the commission was paid to Mr. Poulton directly and he thereafter paid a share to his Utah principal broker. In addition, Mr. Poulton listed two Utah properties through his Idaho company and did not inform his Utah principal broker about the listings. #RE97-07-16.

PROVOST, MARK W., Sales Agent, Murray. Application for Sales Agent license issued June 10, 2004 on probation until first renewal because of factors including a criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

PULLEN, BRIAND., Sales Agent, Park City. Application for Sales Agent license issued May 4, 2004 on probation until first renewal because of factors including a criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

RIVERA, RICHARD R., Sales Agent, Kearns. Application to renew his Sales Agent license issued October 2, 2003 on probation until his next renewal because of factors including a plea in abeyance to a criminal charge, unpaid back taxes, and an unsatisfied judgment for child support. During probation, broker acknowledgment of probation is required for affiliation with any broker.

ROBISON, JORDAN P., Sales Agent, South Jordan. Application for Sales Agent license issued on September 2, 2003 on probation until first renewal because of factors including a criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

RUSSELL, SCOTT, Sales Agent, Roy. Application for sales agent license approved on November 8, 2004 on probation until first renewal because of factors including past criminal history, action against his Utah insurance license, and the facts underlying those actions. During probation, broker acknowledgment of probation is required for affiliation with any broker.

RYAN, MICHAEL S., Sales Agent, Salt Lake City. Application for Sales Agent license issued December 9, 2003 on probation until first renewal because of factors including a criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

SATROM, TREVOR J., Sales Agent, Salt Lake City. Application for a sales agent license issued March 15, 2004, but the license was suspended until he proved to the Division that he had been released from court proceedings in connection with a plea in abeyance to a criminal charge. His license, once activated, shall be on probation for the balance of the initial licensing term. During probation, broker acknowledgment of probation is required for affiliation with any broker.

SIGG, HENRY, Principal Broker, Park City. Agreed to pay a \$2,000 fine for inadequately disclosing in writing information regarding whether a purchase of a property that was listed with him was made for himself or for an undisclosed principal. The transaction occurred in May, 1993 while Mr. Sigg was an associate broker licensed with Bald Eagle Realty, Inc. in Park City. #RE97-11-04.

SORENSEN, BRETT R., Sales Agent, Syracuse. Sales agent license renewed on probation on February 10, 2004 because of factors including a criminal conviction, but his license was suspended until he paid all fines owed in the criminal case. After the suspension, his license will be on probation until his next renewal. During probation, broker acknowledgment of probation is required for affiliation with any broker.

STEPHENS, ROGER M., Principal Broker, Park City. Agreed to pay a \$1,000 fine effective September 15, 2004 because of breaching a fiduciary duty owed to a principal in one transaction and a technical violation of failing to establish a trust account in another instance. While acting as broker of RMA Real Estate, Mr. Stephens provided property management services and gave a tenant a rent discount from \$850 to \$250 for the last month of occupancy in April 2004. The property owners complained to the Division about the rent discount. Mr. Stephens maintained that in mitigation, he had permission from the owners to rent the property for a minimum of \$800 per month, and the rent received, including the month for which \$250 was charged, averaged out to \$811.29. In the other instance, Mr. Stephens acted as principal broker for High Mountain Properties in Park City. When he agreed to do so, it was anticipated that High Mountain Properties might engage in long-term rental in addition to the rental activities for 30 days or less over which the Division does not have jurisdiction, but Mr. Stephens did not establish a trust account for the licensed company High Mountain Properties. #RE17881, RE19429.

TOOKE, WILLIAM D., Principal Broker, Spanish Fork. Agreed that his broker license would be placed in "surrendered" status effective September 15, 2004, that he would be issued a sales agent license in its place, that he would not apply for a new broker license for at least two years, that he would pay a \$1,500 fine, and that he would complete the Division Trust Account Seminar because of failing to supervise a company for which he was a principal broker, among other violations. Mr. Tooke agreed to be

a principal broker for Hidden Vale Property Management, Inc. but acted as principal broker in name only for the company from May 2002 until June 2004. An individual who has surrendered her real estate license in connection with a Division investigation of her activities at Hidden Vale and an alleged shortage in the Hidden Vale trust account acted as the manager for Hidden Vale while Mr. Tooke was its principal broker. Mr. Tooke maintains that his violations were mitigated by the fact that he was not given access to the Hidden Vale accounts and records and that he was not given a key to the Hidden Vale office although he repeatedly asked for one. #RE20426.

VITO, ANTHONY, Sales Agent, Las Vegas, NV. Application for sales agent license approved on November 4, 2004 on probation until first renewal because of factors including past criminal history and the facts underlying the conviction. During probation, broker acknowledgment of probation is required for affiliation with any broker.

WALLACE, STEVEN R., Sales Agent, Tooele. Application for Sales Agent license issued on March 31, 2004 on probation until the first renewal because of factors including a plea in abeyance to a criminal charge. During probation, broker acknowledgment of probation is required for affiliation with any broker.

WILLIAMS, SCOTT L., Sales Agent, Midvale. Order approving application for renewal of sales agent license issued on September 29, 2004, but license suspended until such time as Mr. Williams proves full compliance with a stipulation signed in settlement of a case. Mr. Williams had agreed in the stipulation to pay a \$1,500 civil penalty within 60 days after April 16, 2003 and to complete the Division of Real Estate Trust Account Seminar and agency course within six months after April 16, 2003 and failed to do so.

WISDEN, KRYSTINA A., Sales Agent, Salt Lake City. Application for sales agent license issued April 8, 2004 on probation until first renewal because of factors including a criminal history. During probation, broker acknowledgment of probation is required for affiliation with any broker.

WRAY, LANCE D., Sales Agent, Woods Cross. Sales agent license approved on September 2, 2003 on probation because of a past criminal history, but his license was to be suspended until he provided proof that he had paid all child support liens and all such liens were released. After the suspension, his license was to be on probation until first renewal. During probation, broker acknowledgment of probation required for affiliation with that broker. This license has not ever been issued.

YOUNGBLOOD, ROBERT L., Applicant for renewal of sales agent license. License renewed on probation on August 2, 2004 because the Division of Occupational and Professional Licensing (DOPL) took action against his license to practice medicine and to prescribe controlled substances. His real estate license will be on probation until his probation with DOPL is over. During probation, broker acknowledgment of probation is required for affiliation with any broker.

ZUNDEL, ROGER B., Principal Broker, C-21 At the Rockies, American Fork. Agreed to pay a \$1,000 fine and complete the Division of Real Estate Trust Account Seminar and an ethics class. The Division alleged that Mr. Zundel failed to supervise two sales agents licensed with his brokerage by: 1) failing to prevent them from using an "Interim Occupancy Agreement" which was not authorized by Utah Code Ann. §61-2-20 for use by sales agents; and 2) allowing them to pursue their claim of entitlement to the buyers' forfeited earnest money directly instead of through him. Mr. Zundel

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neither admitted nor denied the violations but agreed to the sanctions in settlement of the complaint. #RE20-01-23.

Appraiser Disciplinary Sanctions



BITTON, CHRISTIAN E., State-Certified Residential Appraiser, Salt Lake City. Agreed to pay a \$2,000 fine because of violation of USPAP. In one appraisal, Mr. Bitton failed to analyze the current listing of the subject property, failed to check county records to determine the record owner of the subject property, and failed to give due consideration to the prior sales and listing history on the subject property. In a second case, Mr. Bitton did not check county records to determine the ownership of the subject property. If he had checked county records in connection with that appraisal, he would have discovered that the seller had only recently obtained title to the property and he could have inquired into the price at which the seller had purchased the property. Mr. Bitton maintained that in mitigation he was never informed by anyone that he should check county records on the subject property when doing an appraisal. #AP02-05-07, AP02-10-30.

BOGGESE, LARSL., State-Certified Residential Appraiser, Salt Lake City. Agreed to pay a \$1,500 fine for violating USPAP by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affect the credibility of the results, and by failing to clearly and accurately set forth the appraisal in a manner that is not misleading. Mr. Boggess used one square footage figure in the cost section of his report and a larger square footage figure in the sales analysis section of the report, both of which square footage figures were larger than shown on County records. Mr. Boggess maintained that in mitigation his original calculation of square footage was done from plans and specifications, but admits that he did not revise the square footage figures in the second appraisal that he did for permanent financing once he had inspected the home to certify that it had been completed. #AP02-11-01.

CASE, DOUGLAS, State-Certified General Appraiser, Salt Lake City. Application for reinstatement of expired certification denied because of factors including: collecting appraisal fees from a mortgage company's clients but never providing appraisals of a refund; an unsatisfied civil judgment obtained against him by the mortgage company; failing to respond in a timely manner to the Division's investigation of a complaint; criminal history; paying the fee for his application to reinstate with a check drawn on a closed account; and failing to make the check good after it was dishonored by the bank.

LUTZ, DAVID M., State-Certified Residential Appraiser, South Jordan. Agreed to, among other things: surrender his appraiser certification effective March 24, 2004 and be issued a State License in its place; that he may not sit for the examination for a new appraiser certification for at least two years following the surrender of his certification; that he will not supervise or sign for any other person for two years; and that he will pay a \$4,500 fine. In a stipulation settling eleven complaints against Mr. Lutz,

he admitted violating USPAP by committing substantial errors of omission or commission, failing to set forth appraisals in a manner that will not be misleading, failing to analyze all agreements of sale current as of the effective date of the appraisal, failing to analyze the listing history of the subject property, failing to maintain records to support his conclusions, failing to use such comparable cost data as are available to estimate the cost new of the improvement, and violating Utah Administrative Code Section R162-107.1.6, which prohibits splitting appraisal fees with a person who is not a licensed or certified appraiser in Utah. #AP99-04-46, AP99-09-12, AP20-05-10, AP20-08-18, AP01-10-27, AP02-04-05, AP02-05-11, AP02-11-12, AP02-12-09, AP03-04-04, and AP03-08-18.

OLSEN, RIC, State-Certified Residential Appraiser, Salt Lake City. Agreed to pay a \$1,500 fine and purchase the Appraisal Foundation book, "The Appraisal of Real Estate" for violating USPAP in two appraisals. In one appraisal, the report stated that the home had been listed in the past year for \$310,000, but at the time the report was signed, the home was listed for \$230,000. The borrower's purchase contract with the seller showed a \$300,000 purchase price with a \$60,000 "equity gift" from the seller, but the appraisal report did not address the equity gift. In the other appraisal, Mr. Olsen admitted that he missed the listing information in the Multiple Listing Service on the subject property but asserts that he has now taken a class on how to more efficiently search the Multiple Listing Service data. #AP03-08-08, AP03-11-09.

WHETTON, CAROLYN S., State-Certified Residential Appraiser, Ogden. Agreed to pay a \$1,500 fine and complete a course on the appraisal of small residential income properties for violating USPAP in two appraisals. Ms. Whetton also agreed that she will not accept any assignments dealing with the appraisal of small residential income properties until she has completed the course in appraising such properties. In one appraisal, Ms. Whetton failed to report or analyze the current listing of the subject property, had no documentation in her file to support the replacement cost figures she used, and made several errors in the report. In the second appraisal, the report stated that the property had not been listed for sale in the past 36 months although the property was currently listed for sale. In addition, the report stated that the transaction was a refinance when the appraisal was actually done for the buyer's purchase money financing. #AP02-08-08, AP03-08-26.

Mortgage Disciplinary Sanctions



AMERICAN RESIDENTIAL HOME LOAN LLC, Licensed Mortgage Entity, Bountiful. Application for license renewal issued on June 14, 2004 on probation until the first renewal because of a plea in abeyance to a criminal charge by its control person, Chad Spencer Reynolds.

ARAVE, STEVEN, Mortgage Officer and Control Person of Provident Finance, LLC, Layton. Agreed to pay a \$100 fine and his license and that of Provident Finance, LLC were inactivated by the Division on January 5, 2005. Mr. Arave failed to notify the Division of an address change and a telephone number change for Provident Finance, LLC. The Division also received a complaint alleging, among other things, that Mr. Arave submitted a loan application that contained false information for a borrower in that it showed the borrower had two jobs when in fact the borrower had quit one of the jobs. Mr. Arave denied that he knowingly submitted false employment information, and asserted that when he learned that the

borrower had quit one of the jobs, he called and notified the lender. #MG19771.

ARMITAGE, LUANNA, Mortgage Officer, West Jordan. Agreed to pay a \$300 fine for advertising "For Sale by Owner" properties by posting signs on the properties and by distributing flyers that showed her and the mortgage company for which she was working as the only contact points and phone numbers for information about the properties. Ms. Armitage maintains that in mitigation, her manager told her that it was acceptable for a mortgage company to advertise properties in this manner. #MG20636

ATLAS HOME MORTGAGE, Layton. Agreed to pay a \$1,000 fine and not to operate a "For Sale by Owner" program in conjunction with its mortgage services. The control person of Atlas Home Mortgage, K. Scott Robinson, operated a "For Sale by Owner" program called "The Atlas Firm" as a means to market loan services to potential homebuyers. As part of the program, signs, flyers, and website listings were provided to parties interested in selling their homes. Calls from parties interested in the listings were taken either by an unlicensed "For Sale by Owner Specialist" or by loan officers licensed with Atlas Home Mortgage. #MG21018.

BALLARD, LAURIE MAY, Mortgage Officer, Pleasant Grove. Agreed to pay a \$500 fine for acting as a mortgage loan officer before the time she applied to the Division for a license and for advertising "For Sale by Owner" properties by posting signs on the properties and by distributing flyers that showed her and the mortgage company for which she was working as the only contact points and phone numbers for information about the properties. Ms. Ballard maintains that in mitigation, she was told by the office manager that it was permissible for her to originate loans without a license as long as she did not close the loans, and that she was told it was acceptable for a mortgage company to advertise properties in the manner in which she was advertising them. #MG20638

BENNION, MERVYN S., Mortgage Officer, St. George. Application for license issued on June 2, 2004 on a restricted status because of factors including a criminal history. The license was placed on probation subject to his timely payment of his unpaid fines in pending criminal matters. The license is to remain on probation until first renewal.

BILLMAN, ROBBIE, Mortgage Officer, Bluffdale. Agreed to surrender her current mortgage officer license effective February 2, 2005, and that she would not apply for a new Utah mortgage license for at least two years thereafter, in lieu of continuing to respond to the Division's investigation of a complaint. The complaint alleged that she had altered an addendum to a Real Estate Purchase Contract and raised the purchase price of the property, the amount of seller concession, and the dates and times that the addendum was signed, and then faxed the addendum to a title company. Ms. Billman denies altering the addendum and denies any knowledge of the addendum being transmitted to the title company. #MG18513

CALUSA INVESTMENTS LLC, Licensed Mortgage Entity, Chantilly, VA. Application for license renewal issued on May 20, 2004 on a restricted status because of a license denial by the Commonwealth of Virginia and an action taken by the Maryland Commissioner of Financial Regulation. The license was immediately suspended until such time as at least one individual who holds a Utah license affiliates with Calusa Investments LLC.

CALUSA INVESTMENTS, LLC, Chantilly, VA. Agreed to pay a \$5,000 fine and cause to be licensed those loan officers that will operate to originate loans in the state of Utah. Calusa Investments, LLC obtained a Utah entity license on January 3, 2002. At least 47 loans in the state of Utah were closed after January 3, 2002, but none of the 24 individual loan officers employed by Calusa Investments, LLC were licensed as mortgage officers in Utah. #MG19295.

CELLA, TODD, Mortgage Officer, Layton. License surrendered effective March 2, 2005 instead of continuing to respond to a Division investigation alleging, among other things, that he altered an addendum to a Real Estate Purchase Contract, a Fannie Mae Form 1003, and other documents to indicate that the loan applied for would be for owner-occupied property when the property was not to be owner-occupied, and that he submitted fabricated documents to the Division during its investigation. Mr. Cella neither admitted nor denied the Division's allegations. He will not be permitted to apply for a new license from the Division for at least two years after the date of the surrender of his license. #MG21298

CRAMER, PAUL, Mortgage Officer, Sandy. Agreed to pay a \$400 fine for engaging in misleading advertising that the public may have interpreted to mean that he was representing the seller in a transaction and acting as a real estate agent. Mr. Cramer assisted two sellers in the marketing of their properties with a program he called "One Week Home Sale." This program included an initial bidding process followed by a negotiation process for the purchase of the home. Mr. Cramer advertised the properties for sale using advertising materials that included his name, phone number, and mortgage company name. Included in the advertising was information that is customarily provided by real estate agents, including price, school information, square footage, a list of features of the home, and the statement, "Square footage and information deemed to be reliable, but buyer is to verify." #MG19872

DAVIES, JAMAN W., Mortgage Officer, Bountiful. Surrendered his mortgage officer license effective January 5, 2005 in lieu of continuing to respond to the Division's investigation. While working as a licensed mortgage officer for Secure Mortgage in Bountiful, Utah, Mr. Davies created the paperwork for, and caused to be funded three loans that were falsified in that the loans were obtained in other peoples' names. He thereafter attempted to cause an additional falsified loan to be funded to pay off one or more of the original three loans. #MG21301.

DAVIES, WILLIAM J., formerly Control Person for Secure Mortgage, Bountiful. Agreed not to act as a control person for any mortgage entity subject to the jurisdiction of the Division for at least one year following January 5, 2005, and that he will not employ Jaman W. Davies in any position related to a mortgage entity for at least five years. Unknown to William Davies at the time, Jaman Davies created the paperwork for and caused to be funded three loans that were falsified in that they were obtained in other peoples' names. In mitigation, when William Davies learned of the acts of Jaman Davies, he voluntarily caused the wrongdoing to be disclosed to the Division. #MG21303.

DOJAQUEZ, KIMBERLY, Mortgage Officer, Prestige Mortgage, L.C., Heber City. Agreed to pay a \$1,000 fine and that her license will be on probation until her next renewal for failing to disclose on her initial application for registration as a mortgage officer the fact that she had previously surrendered her Utah real estate license. In settlement of Case RE99-02-22, Ms. Dojaquez originally agreed to pay a \$500 fine, complete education and have her real estate sales agent license placed on probation. After the stipulation was agreed upon, Ms. Dojaquez did not have the funds to pay the fine and decided that she no longer wanted to practice as a real estate agent. The stipulation was thereafter modified and Ms. Dojaquez surrendered her real estate sales agent license in lieu of the other sanctions previously agreed upon. Ms. Dojaquez maintains that in mitigation she must have misread the application, and that she did not have any intention to mislead the Division on her mortgage officer application. #MG18125.

Mortgage Disciplinary Sanctions

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DYCHES, TROY, Mortgage Officer, Orem. Mortgage officer license issued on November 17, 2004 but then immediately suspended until he submits evidence that a plea in abeyance to a criminal matter has been successfully completed and that all restitution has been paid or dismissed. Following the suspension, the license will be on probationary status for the duration of the initial license term.

EADY, DARREN, Mortgage Officer and Control Person, G.O.O.D. Neighbor Mortgage, Lindon. Agreed to pay a \$500 fine because of signing a borrower's name to a "Borrower Signature Authorization" form authorizing the borrower's employer to verify her employment. Mr. Eady maintains that in mitigation the borrower had obtained her original mortgage through him a year earlier and had signed a form at that time authorizing him to obtain employment information, and that he just signed her name to a new form to speed things up on her refinance. #MG21168.

ELLIS, DAVID LEONARD, Mortgage Officer, Pleasant Grove. Agreed to pay an \$800 fine and complete a course in mortgage ethics because of making a false representation to the Division during an investigation. Mr. Ellis did not inform borrowers that their loan had been denied until after the deadline by which they had to cancel their contract in order to receive a refund of their earnest money deposit. He changed the date on a copy of a "Statement of Credit Denial, Termination, or Change" that he furnished to the Division investigator to make the investigator think that he had notified the borrowers of the declination earlier than he actually had. #MG20484.

FLOWERS, CHERYL Y., Mortgage Officer, Sandy. Application for registration issued on January 7, 2004 but the registration was immediately suspended until she had paid all fines, completed all community service, and successfully completed her court ordered probation in a criminal case.

HADLOCK, SEAN, Mortgage Officer, Lindon. Surrendered his mortgage officer license effective January 5, 2005. While acting as Branch Manager for the Orem office of New Freedom Mortgage, Mr. Hadlock on multiple occasions fabricated subordination agreements at the height of the refinancing boom because it was taking from 2 weeks to 2 months to receive subordination agreements. After the fabricated agreements were submitted to New Freedom Mortgage, Mr. Hadlock would later replace them with genuine subordination agreements. Mr. Hadlock maintains that in mitigation when New Freedom Mortgage fired him because of these acts, \$80,000.00 was withheld from his earnings, the purpose of which was to make whole the lenders who had relied upon the fabricated documents. #MG21066.

HASNA, J. PAUL, formerly Control Person for Park Capitol Financial, LLC, Murray. Agreed to pay a \$500 fine for failing to prevent improper advertising of a mortgage business that he had purchased and licensed with the Division. After the renewal of Park Capitol Mortgage was denied because of the failure of its owner/manager Gavin Ekstrom to meet the statutory requirement of good moral character, Mr. Hasna purchased the business from Mr. Ekstrom. The Division thereafter received a complaint that Gavin Ekstrom was still advertising Park Capitol Mortgage. Mr. Hasna maintains that in mitigation he was unaware of the continuing advertising and that he caused it to be discontinued upon learning of it. #MG 20313

HEAPS, DAVID A., Mortgage Officer, Midvale. Application for license issued on March 16, 2004 on a restricted status because of factors including a criminal history. The license was immediately suspended until

such time as all outstanding obligations assessed in the criminal matter were paid. Following the suspension, the license is to remain on probation until first renewal.

HESTER, MARGO R., Mortgage Officer, Murray. Application for registration issued on August 20, 2003 but placed on probation until first renewal because of a criminal conviction for which she was off probation.

HIDDEN VALLEY MORTGAGE LLC and its Control Person AARON HARDY, Salt Lake City. Applications for renewal issued on August 25, 2003 but the registrations were placed on probation until the next renewal because of Aaron Hardy's misdemeanor conviction and a plea in abeyance to another criminal charge, and his failure to notify the Division of the plea and conviction.

HOUSTON, JAMES, Mortgage Officer, Midvale. Application granted September 15, 2003 on probation until first renewal because of factors including a criminal history.

KENWORTHY, HEATHER MORSE, Mortgage Officer, South Jordan. Application for registration issued on July 10, 2003 on probation until first renewal because of a criminal conviction for which she was off probation.

KIMBALL, KRIS A., Mortgage Officer, Sandy. Registration issued on February 20, 2003 on probation until first renewal because of factors including a criminal history.

MCCARTY, JAMES R., Mortgage Officer, Murray. Application for license issued on March 11, 2004 on a restricted status because of a plea in abeyance in a criminal case. The license was immediately suspended until all fines are paid in the criminal case. Following the suspension, the license was to remain on probation until first renewal.

MILES, BRAD R., Mortgage Officer, Hooper. Application for registration issued on November 25, 2003 but placed on probation until first renewal because of a disciplinary proceeding against him by the National Association of Securities Dealers and a denial by the Utah Insurance Department of his application for renewal of his insurance license.

NANCE, COREY D. Mortgage Officer, Sandy. Application for renewal granted on April 7, 2003, on probation until next renewal because of factors including a criminal conviction.

NELSON, MICHAEL, Mortgage Officer Applicant, Salt Lake City. Application denied on July 29, 2004 because of a 1995 Possession conviction, a May 2002 felony Attempted Operation of a Clandestine Laboratory conviction, and a July 2002 felony Identity Fraud conviction.

OLSEN, JORGEN P., Mortgage Officer and Control Person, and JPM FINANCIAL SERVICES, Mortgage Entity, Salt Lake City. In a May 17, 2004 order, because of factors including the arrest of Mr. Olsen in a criminal matter, the decision on applications for renewal was continued pending resolution of the criminal case. The licenses were temporarily renewed pending the resolution of the criminal case. If the arrest resulted in a conviction or a plea agreement, then the applications for renewal were to be granted but placed on probation until the next renewal. If the criminal charge was dismissed, the applications were to be granted.

PARK CAPITOL MORTGAGE, LLC, Salt Lake City. Application for renewal denied because its manager Gavin Ekstrom failed to meet the statutory criteria of good moral character and the competency to transact the business of residential mortgage loans. Mr. Ekstrom submitted to a lender, or permitted Park Capitol Mortgage, LLC to submit to a lender, documents that materially misrepresented the qualifications of a borrower, namely

false business licenses, altered checking account bank statements, and one or more false loan applications. Park Capitol Mortgage, LLC either participated in creating the false documents or accepted the false documents from the party from whom the borrower had contracted to purchase the property, instead of obtaining the documents directly from legitimate, reliable sources. In addition, Park Capitol Mortgage, LLC, through Gavin Ekstrom, provided the funds necessary to close in the amount of \$6,626.45 to the borrower.

PEARCE, MARK, formerly the Control Person for Platinum Mortgage LLC, Draper. Agreed that he would surrender his right to renew his license when it expired on February 29, 2004 and that he will not apply for a new license for a minimum of three years. Complaints were filed with the Division alleging that Mr. Pearce altered documents in loan files. Mr. Pearce neither admitted nor denied the allegations, but agreed to the above sanction in settlement of Case MG17636.

PLAZAS, CARLOS E., Mortgage Officer, West Jordan. Application for license issued on January 2, 2004 on probation until the first renewal because of factors including a criminal conviction and failure to stay current on his child support obligation.

PUENTE, JACKIE, Mortgage Officer, Ogden. Application for registration issued on May 18, 2004 on a restricted status because of factors including a criminal history. The license was immediately suspended until such time as all fines in the criminal matter are paid. Following the suspension, the license is to remain on probation until the first renewal.

ROSALES, ARTURO, Mortgage Officer, Salt Lake City. Application granted October 3, 2003 on probation until first renewal because of factors including a criminal conviction.

SCADDEN, TANNER, Mortgage Officer, West Haven. Agreed to pay a \$400 fine because of advertising "For Sale by Owner" properties through a web site, signs, and property flyers that showed ACE Mortgage and Mr. Scadden's telephone number as the only contract point and phone number for information about the property. #MG21305.

SINCLAIR, LINDSEY, Mortgage Officer, Sandy. Agreed to pay a \$1,000 fine for falsely identifying another person as the loan officer on an application and failing to keep certain records on a transaction. Ms. Lindsey helped her sister obtain a mortgage through the mortgage company with which she was licensed, and asked another mortgage officer to sign the loan application to make the application appear to be an arm's-length transaction. She also failed to verify her sister's employment or earnings and failed to disclose to the underwriter that her sister's real estate license had been inactivated before the loan application. #MG19005

SMITH, LOWELL DENE, Mortgage Officer, Salt Lake City. Application for registration issued on August 21, 2003 but placed on probation until first renewal because of factors including a criminal history.

STEVENS, TREVOR, Mortgage Officer Applicant, Salt Lake City. Application for mortgage officer license approved on February 11, 2005 on probationary status until first renewal because of factors including past criminal history. During the license probation, acknowledgement by his control person that the control person has been informed of the license probation will be required before Mr. Stevens may license with any mortgage entity.

TAYLOR, J. ROBERT, Mortgage Officer, Salt Lake City. Application granted December 17, 2003 on probation until the first renewal because of factors including a criminal conviction.

TE, TONE S., Sales Agent, Ogden. Application for renewal of sales agent license approved and then suspended for one year beginning January 25, 2005 because of failure to timely pay a fine and to complete continuing education as required by a stipulation he signed with the Division to settle Case RE01-08-27.

TRANTER, JUSTIN, Mortgage Officer, Salt Lake City. License surrendered effective January 5, 2005. Mr. Tranter received checks from a number of borrowers at the time of loan application, which checks were intended either for first payments on the loans or for processing fees on the loans, but cashed those checks for his own personal use. He caused a title company to disburse funds intended to be used for appraisal fees, and used those funds for his own personal use. He also falsified loan closing documents and misled borrowers into believing that they had obtained new mortgage loans. #MG20091.

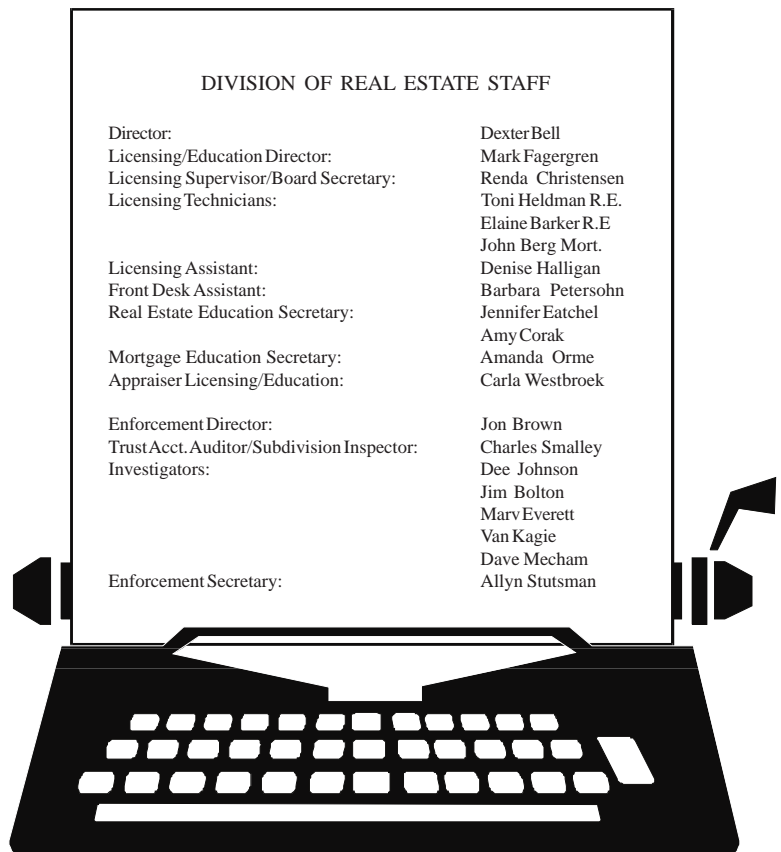
TRUITT, BRIAN LAWRENCE, Mortgage Officer, South Jordan. Application for registration approved on April 1, 2003, to be issued once he provided proof that he had completed court-ordered counseling and been released from criminal probation. Once the registration was issued, it is to remain on probation until first renewal, because of factors including a criminal conviction.

VAN DYKE, RICHARD and K&R MORTGAGE SERVICES INC., Alpine. Licenses surrendered effective June 2, 2004 rather than continue to respond to the Division's investigation of complaints filed against them in cases MG19505 and MG30403.

WALLOP, JONNETTE, Sales Agent Applicant, Salt Lake City. Application for sales agent license approved on January 25, 2005 on probationary status until first renewal because of factors including past criminal history and child support arrearages. During the probationary period, broker acknowledgement of license probation is required for affiliation with any broker.

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